
STATUTORY INSTRUMENTS

2005 No. 2720

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 and shall come into force for the purposes of regulation 34 on 28th October 2005 and for all other purposes on 30th December 2005.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

“the 2000 Act” means the Care Standards Act 2000;

“the 2002 Act” means the Adoption and Children Act 2002;

“the 2005 Regulations” means the Adoption Support Services Regulations 2005(1);

“adoptive child” means—

(a) a child who has been adopted or in respect of whom a person has given notice of his intention to adopt under section 44 of the 2002 Act; or

(b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption;

“adoptive parent” means—

(a) a person who has adopted a child or has given notice under section 44 of the 2002 Act of his intention to adopt a child; or

(b) a person with whom an adoption agency has matched a child or has placed a child for adoption;

“agency” means an adoption support agency;

“child” means a person who has not attained the age of 18 years;

“children’s guide” means the written guide produced in accordance with regulation 5(4);

“complaints procedure” means the procedure established under regulation 16(1);

“organisation” means a body corporate or any unincorporated association other than a partnership;

“registered manager” means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the manager of the agency;

“registered person” means, in relation to an agency, any person who is the registered provider or the registered manager;

“registered provider” means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the person carrying on the agency;

“registration authority” means the Commission for Social Care Inspection⁽²⁾;

“responsible individual” shall be construed in accordance with regulation 7(2)(c);

“statement of purpose” means the written statement compiled in accordance with regulation 5(1).

(2) In these Regulations any reference to employing a person includes employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

Prescribed services

3.—(1) For the purposes of these Regulations the following services (in addition to other services prescribed for the purposes of section 2(6)(b) of the 2002 Act⁽³⁾) are prescribed as adoption support services—

- (a) any services prescribed in regulation 3(1)(b) to (f) of the 2005 Regulations that are provided in the case of an adoption of a child by his natural parent or the partner of his natural parent;
- (b) assistance to adoption agencies in preparing and training adoptive parents;
- (c) assistance to—
 - (i) adopted persons who have attained the age of 18, or
 - (ii) relatives of such persons,

to facilitate contact between such adopted persons and their relatives (and in this subparagraph “relative”, in relation to an adopted person, means any person who, but for his adoption, would be related to him by blood, including half-blood, marriage or civil partnership).

(2) In the case of an adoption of a child by his natural parent or the partner of his natural parent respite care that consists of the provision of accommodation must be accommodation provided by or on behalf of a local authority under section 23 of the Children Act 1989⁽⁴⁾ (accommodation of looked after children) or by a voluntary organisation under section 59 of that Act.

Exceptions

4.—(1) A barrister, or a solicitor of the Supreme Court, who is providing adoption support services in the course of his practice as such is not an adoption support agency.

(2) An undertaking is not an adoption support agency merely because it provides services to enable groups of adoptive children, adoptive parents and natural parents or former guardians of an adoptive child to discuss matters relating to adoption.

(2) The Commission for Social Care Inspection was established by section 42 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

(3) See the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I. 2005/691, and regulation 3(3) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890.

(4) 1989 c. 41.

- (3) An undertaking is not an adoption support agency merely because it—
- (a) provides respite care in relation to adoption and is a—
 - (i) care home,
 - (ii) children’s home, or
 - (iii) domiciliary care agency,in respect of which a person is registered under Part 2 of the 2000 Act; or
 - (b) provides respite care in relation to adoption consisting of child minding within the meaning in Part 10A of the Children Act 1989⁽⁵⁾ (“the 1989 Act”) and is registered for child minding under that Part of that Act; or
 - (c) provides respite care in relation to adoption consisting of day care within the meaning in Part 10A of the 1989 Act on premises in respect of which it is registered to provide day care under that Part of that Act.

Statement of purpose and children’s guide

5.—(1) The registered person shall compile in relation to the agency a written statement which shall consist of a statement as to the matters listed in Schedule 1 (“statement of purpose”).

(2) The registered person shall provide a copy of the statement of purpose to the registration authority.

(3) The registered person shall make a copy of the statement of purpose available, upon request, for inspection by—

- (a) any person working for the purposes of the agency;
- (b) any person receiving adoption support services from the agency or acting on behalf of a child receiving such services from the agency;
- (c) any person making enquiries about receiving adoption support services from the agency on his own or a child’s behalf;
- (d) any local authority.

(4) The registered person in relation to an agency which provides adoption support services to children shall produce a written guide to the agency (“children’s guide”) which shall include—

- (a) a summary of the agency’s statement of purpose;
- (b) a summary of the complaints procedure; and
- (c) the address and telephone number of the registration authority.

(5) The children’s guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to whom the agency provides adoption support services.

(6) The registered person shall provide a copy of the children’s guide to the registration authority, to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

(7) Subject to paragraph (8), the registered person shall ensure that the agency is at all times conducted in a manner that is consistent with its statement of purpose.

(8) Nothing in paragraph (7) shall require or authorise the registered person to contravene, or not comply with—

- (a) any other provision of these Regulations; or

(5) Part 10A of the Children Act 1989 was inserted by the Care Standards Act 2000, section 79(1).

- (b) any conditions for the time being in force in relation to the registration of the registered person under Part 2 of the 2000 Act.

Review of statement of purpose and children’s guide

- 6. The registered person shall—
 - (a) keep under review and, where appropriate, revise the statement of purpose and children’s guide;
 - (b) notify the registration authority of any such revision within 28 days of making the revision; and
 - (c) if the children’s guide is revised, supply a copy to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.